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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. BUR920010211US1
Applicant(s): Froebel et al.			
Application No. 10/064,920	Filing Date 8/29/2002	Examiner Sagar, Kripa	Group Art Unit 1756
Invention: METHOD AND APPARATUS TO EASILY MEASURE RETICLE BLIND POSITIONING WITH AN EXPOSURE APPARATUS			
<p>I hereby certify that this <u>Restriction Election (3 pages)</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>6/13/2005</u> (Date)</p> <p><u>Kim Dwileski</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>Kim Dwileski</u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>			

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Docket No. BUR920010211US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Froebel *et al.*

Group Art Unit: 1756

Filed: 8/29/2002

Examiner: Sagar, Kripa

Serial No.: 10/064,920

Title: **METHOD AND APPARATUS TO EASILY MEASURE RETICLE BLIND
POSITIONING WITH AN EXPOSURE APPARATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION

In response to the Restriction Requirement dated May 20, 2005, Applicants hereby provisionally elect Group I, claims 2, 4, 5, 7, 23 and 24, drawn to a method, classified in Class 430, subclass 30. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 8, 10-12, 25 and 26, drawn to an apparatus; and claims 14-19, 21 and 27, drawn to a wafer.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-27 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden,

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the Examiner must examine it on the merits." Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants respectfully contend that the search and the examination of the entire application could be made without serious burden, because claims of Groups I, II, and III have already been examined by the United States Patent and Trademark Office (USPTO) in conjunction with two prior office actions, namely the office action mailed July 1, 2004 and a final office action mailed November 26, 2004. Since claims of Groups I, II, and III have already been extensively examined, Applicants contend that further examination of the claims of Groups I, II, and III is not a serious burden.

In addition, Applicants have already expended significant time and money in analyzing the claim rejections in the two office actions with respect to claims of Groups I, II, and III, and it is unfair at this point in the prosecution of this patent application to issue a restriction directed to claims that both Applicants and the USPTO have already spent a great deal of time analyzing with respect to the cited references. To discontinue examination of the claims of Groups II and III, which have already been extensively examined, is wasteful of the resources of both Applicants and the USPTO.

Accordingly, Applicants respectfully request that restriction be removed and that all pending claims be examined.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the

merits. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: 06/13/2005

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